

AN ORDINANCE     **9 8 9 5 8**

**AUTHORIZING THE EXECUTION OF A SHORT-TERM LEASE AGREEMENT WITH NICK'S ENTERPRISE'S, INC. D/B/A N & D SPORTS FOR THE PERIOD FROM MARCH 30, 2004 THROUGH APRIL 7, 2004 FOR THE USE OF VACANT RETAIL SPACE AT THE HEMISFAIR PARKING GARAGE FOR A ONE-TIME RENTAL FEE OF \$13,500.00; EFFECTIVE IMMEDIATELY IF PASSED BY EIGHT VOTES.**

\*       \*       \*       \*       \*

**WHEREAS, Nick's Enterprises, Inc. d/b/a N & D Sports**, as Tenant, has requested a Short Term Lease Agreement commencing March 30, 2004, through April 7, 2004, to use vacant retail space at the Hemisfair Parking Garage for the non-exclusive right to sell only officially licensed 2004 Men's National Collegiate Athletic Association (NCAA) Final Four Basketball Tournament merchandise, and City staff recommends approval of the Lease; and

**WHEREAS**, Tenant has agreed in the Lease to pay a one-time rental fee of \$13,500.00 and to comply and obtain all required permits to operate in the "clean zone" designated by City Council, pursuant to Ordinance No. 98726, passed and approved on January 22, 2004; and

**WHEREAS**, The lease revenue fund from the Hemisfair Parking Garage will assist in maintaining the Parking Fund; **NOW THEREFORE;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** A Short Term Lease Agreement is hereby approved between the **City of San Antonio and Nick's Enterprises, Inc. d/b/a N & D Sports**, ("Tenant") to use vacant retail space at the Hemisfair Parking Garage ("leased premises") for the period from March 30, 2004 through April 7, 2004 for a one-time rental fee of \$13,500.00.

**SECTION 2.** The City Manager or City Manager's designee is hereby authorized to execute the Short Term Lease Agreement approved in **SECTION 1**, a copy of which, signed by Tenant, is attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes.

**SECTION 3.** The proceeds of the Short Term Lease Agreement shall be deposited into Fund No. 53-004 entitled "Parking Revenue Fund", Index Code No. 064642, entitled "N & D Sports Company-Hemisfair Garage."

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct a llocation t o s pecific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance shall be effective immediately if it receives eight affirmative votes. Otherwise, it shall be effective on the 21st day of March 2004.

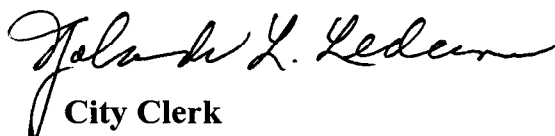
**PASSED AND APPROVED** this 11th day of March, 2004.



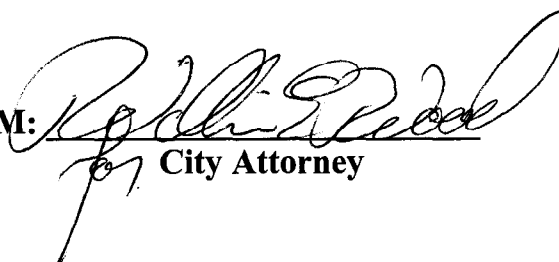
M A Y O R

EDWARD D. GARZA

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney